

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JAY WILLIAMS,

Plaintiff,

v.

MARY WRIGHT,

Defendant.

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Case No. 6:23-cv-224-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jay Williams, proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On June 13, 2023, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case without prejudice for failure to state a claim upon which relief can be granted and, alternatively, for failure to prosecute or to obey a Court order. Docket No. 5. Plaintiff filed a letter that the Court will construe as an objection to the Report. Docket No. 7.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*


*grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

The Report recommended dismissal for failure to prosecute or to obey a Court order because Plaintiff failed to file an amended complaint and failed to pay the statutory filing fee, as ordered by the Magistrate Judge. *See* Docket Nos. 2, 3. The Report recommended dismissal for failure to state a claim upon which relief can be granted because Plaintiff's complaint names Mary Wright as the sole defendant in this case, but contains no allegations concerning Mary Wright. *See* Docket No. 1. Plaintiff's letter—construed as objections—does not address these issues. The Court therefore **OVERRULES** Plaintiff's objections.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 5) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted and for failure to prosecute or to obey an order of the Court.

Further, the Court notifies Plaintiff that the continued filing of frivolous or vexatious pleadings, documents, or letters could result in the imposition of sanctions, monetary or otherwise. Fed. R. Civ. P. 11.

So **ORDERED** and **SIGNED** this 7th day of **September, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE  
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